

*REMARKS/ARGUMENTS**Request for Personal Interview*

In accordance with 37 C.F.R. § 1.133, the Applicant's representative respectfully requests a personal interview with the Examiner.

The Office Action

The pending claims were rejected under 35 U.S.C. § 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. According to the Office Action, the omitted structural cooperative relationships are the connecting conduits feeding the filter and removing residue and filtered material from the filter and recirculating back to the system, the feed by-pass, directing the feed to the first filter fluid path or second filter fluid path, pumps, and control valves connected to the system.

The pending claims were also rejected under § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention.

Each of these rejections is separately and respectfully traversed.

The present claims are definite, complete, and do not leave any gaps between the necessary structural connections. The term "flowpath" is a term that is well-known in the art to include any of a variety of structural elements, arranged in any of a variety of ways, to circulate fluid. Some examples of flowpaths are given in the specification, e.g., at page 12, lines 17-21; page 13, line 19 through page 14, line 17; page 16, lines 14-20; page 17, line 19 through page 18, line 8; page 21, lines 1-5; page 22, lines 14-21; and page 23, line 11 through page 24, line 2. These are illustrative examples only, and the term "flowpath" is broad enough to encompass any conduits, by-passes, pumps, control valves, and/or any other structural element, configured in any of a variety of different ways, that defines a passage of fluid. Limiting the claims to specific types of structural connections or locations within the system is not required to satisfy the completeness or definiteness requirements. Accordingly, the claims provide the necessary structural cooperative relationship of the claimed elements, close any gap between the necessary structural connections, and satisfy the definiteness requirement.

Claims 5, 38, 41, 42, and 44 are complete as to the elements of the system defining the respective flow paths and are definite in accordance with § 112 for at least the reasons set forth above.

Claim 38 recites that “the second filtration means comprises part of the first filtration means.” As an illustrative example, the specification describes that the second flowpath may include the interior of the filter medium of filter 14, and may not include the interiors of the media of filters 16, 18, or 20 (e.g., specification, page 16, line 17 and page 17, line 16). Accordingly, claim 38 is sufficiently clear to satisfy the definiteness requirement.

In claim 2, the recitation of “tangential filtration means” may include any means of tangential filtration, for example, tangential flow filters (e.g., see specification, page 12, lines 4-6). Accordingly, claim 2 is sufficiently definite to satisfy the requirements of § 112.

Claim 3 recites that the filtration means of the first continuous flowpath and the filtration means of the second continuous flowpath include a filter medium which is common to both the first and second continuous flowpaths. Although the figures indeed show individual filters, claim 3 merely requires (any) “filter medium which is common to both the first and second continuous flowpaths” (see, e.g., specification, page 12, lines 8-12 and page 16, line 17). The filters depicted in the figures do not preclude nor render ambiguous the claim phrase “a filter medium which is common to both the first and second continuous flowpaths.” Accordingly, claim 3 is definite and satisfies the requirements of § 112.

Claim 6 is a proper dependent claim in accordance with 37 C.F.R. § 1.75. Rule 1.175 sets forth that one or more claims may be presented in dependent form, referring back to and further limiting another claim or claims in the same application. Claim 6, which recites that the fluid circulating around the first continuous flowpath passes in parallel through the filter flowpaths, further limits claim 5, in accordance with Rule 1.175.

With respect to claim 7, the Office Action alleges that the claim is indefinite as to whether the manifold(s) are inlet manifold(s) or outlet manifold(s). The manifold recited in claim 7 may any kind of manifold, for example, an inlet or an outlet manifold (e.g., see specification, page 24, line 20 to page 25, line 2). Accordingly, the term “manifold” is sufficiently definite to satisfy the requirements of § 112.

Claim 38 does not recite a “manifold connected to each filter.” It is believed that claim 39 was intended instead, however, if this is incorrect, the Applicant requests

clarification. The fluid paths and manifolds of claim 39 are complete and satisfy the definiteness requirements for at least the same reasons set forth above.

With respect to claim 40, the Office Action alleges that the claim is incomplete as lacking the manifold as feed manifold (connected to a retentate recirculation conduit connected to a different section of the feed manifold). Claim 40 recites a manifold connected to each filter, and a fluid assembly coupled to the plurality of filters and the manifold and including a valve arrangement selectively operable in a first state to circulate fluid through the manifold and in parallel through the filter flowpaths of the plurality of filters and in a second state to pass fluid from the manifold through each filter flowpath of at least one but not all of the plurality of filters. The claimed valve arrangement assembly may include any structural elements that may be “selectively operable in a first state to circulate fluid through the manifold and in parallel through the filter flowpaths of the plurality of filters and in a second state to pass fluid from the manifold through each filter flowpath of at least one but not all of the plurality of filters,” as claimed in claim 40. Accordingly, claim 40 recites all of the structural elements necessary for completeness and definiteness in accordance with § 112.

Claim 42 recites that a portion of the first continuous flowpath is not included in the second continuous flowpath. According to the Office Action, the claim is unclear regarding what portion (e.g., section or conduits) is not involved in the second flow path. Claim 42 merely requires that “a portion” of the first continuous flow path is not included in the second continuous flow path. This “portion” covers any portion of the first continuous flow path (see, e.g., specification page 17, lines 12-17). It is not necessary to limit the portion to any specific section or conduit in order to satisfy the definiteness requirement. Accordingly, claim 42 meets the requirements of § 112.

All of the claims satisfy the requirements of § 112 for at least the reasons set forth above. Reconsideration and allowance of the claims is earnestly solicited.

Respectfully submitted,

Stephanie M. Lawley

Stephanie M. Lawley, Reg. No. 55362
LEYDIG, VOIT & MAYER
700 Thirteenth Street, N.W., Suite 300
Washington, DC 20005-3960
(202) 737-6770 (telephone)
(202) 737-6776 (facsimile)

Date: *Jan. 18, 2007*